

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY FROMMER, et al.,	:	
	:	
Plaintiffs,	:	23-CV-6339 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
MONEYLION TECHNOLOGIES INC., et al.,	:	
	:	
Defendants.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

On September 21, 2023, Plaintiffs-Counterclaim/Third-Party Defendants (“Plaintiffs”) filed a motion to dismiss the Counterclaims and Third-Party Complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a party has twenty-one (21) days after the service of a motion under Rule 12(b) to amend its pleading once as a matter of course.

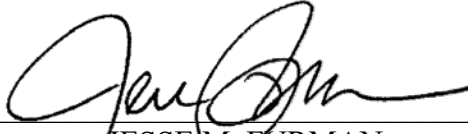
Accordingly, it is hereby ORDERED that Defendants-Counterclaim Plaintiff and Third-Party Plaintiff (“Defendants”) shall file any Amended Counterclaims and Amended Third-Party Complaint by **October 13, 2023**. Pursuant to Paragraph 1.B. of the Court’s Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, any Amended Counterclaims and Amended Third-Party Complaint should be filed with a redline showing all differences between the original and revised filing. **Defendants will not be given any further opportunity to amend the Counterclaims and Third-Party Complaint to address issues raised by the motion to dismiss.**

If Defendants amend, by three (3) weeks after the Amended Counterclaims and Amended Third-Party Complaint is filed, Plaintiffs shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Plaintiffs file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Plaintiffs file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no Amended Counterclaims and Amended Third-Party Complaint are filed, Defendants shall file any opposition to the motion to dismiss by **October 13, 2023**. Plaintiffs’ reply, if any, shall be filed by **October 20, 2023**.

SO ORDERED.

Dated: September 22, 2023
New York, New York



JESSE M. FURMAN
United States District Judge